

AT A PUBLIC HEARING AND REGULAR MEETING OF THE HAMPTON PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS ROOM, 8TH FLOOR, CITY HALL, HAMPTON, VIRGINIA, ON JUNE 14, 2004 AT 3:30 P.M.

PRESENT: Chairman Harold O. Johns; Vice-Chairman Timothy B. Smith; and Commissioners Perry T. Pilgrim, Katherine K. Glass, George E. Wallace, and Randy Gilliland

ABSENT: Ralph A. Heath, III

ITEM I. ROLL CALL

A call of the roll noted Commissioner Heath as being absent.

ITEM II. MINUTES

There being no additions or corrections, a motion was made by Commissioner Katherine K. Glass and seconded by Commissioner Randy Gilliland, to approve the minutes of the April 12, 2004 Planning Commission meeting. A roll call vote on the motion resulted as follows:

AYES:	Smith, Pilgrim, Glass, Wallace, Gilliland, Johns
NAYS:	None
ABST:	None
ABSENT:	Heath

ITEM III. STAFF REPORTS

A. Youth Planner Report

Ms. Alicia Tundidor, Youth Planner, stated she is now the outgoing senior Youth Planner. In the past two months, things have been coming to a close for the Youth Planners as the school year has come to an end. She and Mr. Jacob Berg, Youth Planner, have been recruiting for the upcoming junior Youth Planner position. After interviewing eight young people, Ms. Sara Rodriguez was hired to fill the position. She is a rising junior at Hampton High School and will begin on June 21st. The Hampton Youth Commission also held interviews with thirteen young people to fill their vacant slots. Their work will begin on June 23rd when they go through a three day orientation, called "Boot Camp." She stated although summer is quickly approaching, the Youth Planners have assignments to keep them busy. Before she leaves, she will be completing the Youth Friendly Guidebook, which should be ready for distribution by late summer. She stated Mr. Berg is working on rewriting the youth component by taking sections from the original youth component from the 2010 Comprehensive Plan and the youth section of the Hampton Community Plan. She stated this is her final Youth Planner report. She will be graduating on Friday, June 18th, and when the Youth Friendly Guidebook is completed, her work will be done with the Planning Department.

She will be heading to Virginia Tech in the fall. She is excited about the new chapter, but also sad to leave her Planning Department family. She thanked the Commission for their time and entertained questions.

On behalf of the Planning Commission, Chairman Johns thanked Ms. Tundidor, and other youth planners for their outstanding accomplishments during the school year. He stated the youth involvement in city government has placed the City of Hampton amongst fifteen national finalists in the American Government Award Grant competition sponsored by the Ashe Institute of Democratic Government at Howard University. There will be a \$100,000 grant awarded to the successor.

Mr. O'Neill commented that when the program began, there were one thousand contestants, which were narrowed down to fifteen.

Commissioner Gilliland stated the youth planners have done a spectacular job during their two year tenure. The work that they do as high school students is worthy of years beyond their age, which is extraordinarily impressive, and he is happy for Ms. Tundidor and her success.

ITEM IV. PUBLIC HEARING

Mr. O'Neill read the public hearing item notice on the agenda as advertised in the Daily Press on May 31, 2004 and June 7, 2004.

A. Rezoning Application No. 1174

Rezoning Application No. 1174 by Nicholson, Inc. to rezone 1.637± acres at 1520 Aberdeen Road from Limited Commercial (C-2) to General Commercial (C-3) to permit a fully enclosed self-storage facility. This property is within the boundaries of the Special Public Interest-Coliseum Central (SPI-CC) district. The 2010 Comprehensive Plan recommends commercial development in this area. C-2 permits community and regional scale retail and commercial uses, multi-family and offices. C-3 permits semi-industrial commercial uses.

Mr. Billie Millner, Attorney of Jones, Blechman, Woltz and Kelly, PC, 701 Towne Center Drive, Suite 800, Newport News, representing applicant, stated Mr. Tysinger, owner of the property, and Mr. Nicholson, applicant, have worked out a cooperative venture subject to approval of the request. This venture began a year ago regarding the concept of a self-storage unit. They met with Mr. Shapiro, Director of Codes and Compliance regarding the concept, and after discussion, the ultimate result was to rezone the subject property C-2 to C-3. During the process, they made contact with Mr. Roosevelt Wilson, President of Aberdeen Gardens Historic Civic Association and the board, and invited them to go to Norfolk to view an example of the facility as a model to go by. He stated appointments were set up, but unfortunately it did not occur for the residents to view the facility and he accepted full responsibility. He stated a study was being conducted by Urban Design Associates which included the Aberdeen corridor,

and they were asked to put the request on hold to see if the ultimate plan for the corridor would include or not include the property. After waiting several months, the result was that the property was a complement to the plan. He stated the process began again and they have changed the facility from two-story to a three-story facility. This is a self-storage facility, and the applicant has one in operation in Norfolk, Virginia. Features of the facility are three-stories with a value of \$6 million when completed. There is a key entry where a vehicle would pull in under the awnings, and go inside. It is climate controlled, interior storage, and carpeted floors. He stated if the monthly fee is not paid, when a person goes to open their storage, they will not be able to get in. Hours of operation are Monday through Sunday, 9:00 a.m. to 6:00 p.m. There are monitors to control the area and throughout the building. They have cooperation from the Police Department who are encouraged to enter the facility with trained dogs to sniff out drugs. He stated this facility will increase the tax base, and provides convenience to customers who need temporary storage or for people in transit to store clutter. He stated Aberdeen is a commercial corridor to the city, and it would be a nice, attractive building added to the community. This facility would bring less traffic, it follows the UDA plan, and it would be a great use for the property.

In response to a question by Commissioner Pilgrim, Mr. Millner stated the applicant did a parking study of other facilities of similar size, and the average parking rate is approximately twenty vehicles entering and exiting per day. He stated the parking spaces needed is more than what they need, and they will appeal to the Board of Zoning Appeal for a variance to reduce the number of parking spaces.

Mr. Millner stated in talking with the Mr. Roosevelt and the Aberdeen Historic Civic Association Board, they want to do anything they can to cooperate. He believes there is a basic disagreement that the board does not want the use on the property.

In response to a question by Chairman Johns, Mr. Millner stated one part-time and two full-time employees will be staffed at the facility.

In response to a question by Commissioner Pilgrim, Mr. Nicholson, applicant, stated the actual business income generated would be approximately one-half to one million per year.

Ms. Stephanie Mertig, City Planner, presented the staff report, a copy of which is attached hereto and made a part hereof. She stated staff suggests that the Planning Commission recommend to City Council approval of Rezoning Application No. 1174 because the proposal is consistent with the goals and objectives of the 2010 Comprehensive Plan, the 1998 Hampton Strategic Plan, the Coliseum Central BID Master Plan, and the Mercury Central Plan.

Ms. Lillian Gist, 26 North Walker Road, stated due to the crisis regarding terrorist activities at this time, the residents believe a facility of this nature is not feasible, safe, nor good for the community. She had the following questions: 1) Where did the applicant do his study in regards to a self-storage being feasible for the City of

Hampton; 2) Was an investigation performed in any other state similar to the proposed request; 3) Is there a need for any self-storage of the proposed nature in a residential area in any other part of the City of Hampton; 4) Why would the citizens need a self-storage facility in a residential section where people purchase homes; 5) How does the citizens know that the facility is going to be drug free? 6) Will police be on duty to guard the facility? She stated the applicant does not live in their neighborhood, nor do they have to put up with the traffic or drugs that have permeated into their area. She also asked how did the applicant arrive at \$6 million when it is a self-contained three story building? She stated many things happen in residential neighborhoods, and the residents are trying to realize how much is going on in the City of Hampton when it comes to terrorists. She stated there are many facilities where people can store any and every item. It does not have to be for the benefit of the community because it could be personal items, ammunition, or anything a customer so desires.

Ms. Sheila Stewart, 11 North Walker Road, stated her concern is regarding Mr. Millner's statement regarding "clutter," and that as long as you pay your fee, your clutter is safe. She stated his clutter may not be her clutter, and a lot of things that people store are not things that should be stored as long as the fee is met. She wanted to know who is going to make sure the residents feel secure, in that, what is being stored in the facility is actually contained and monitored. She stated with the limited number of employees, it is not secure enough and there is no mention of whether hazardous material can or cannot be stored in the facility. She had a concern regarding terrorism, because the residents do not know what is being stored in the facility and the length of time it can be stored. She stated the neighbors have dealt with the transition of the nearby shopping center, I-64 construction, and the dust in the area. She speaks for a lot of the elderly residents in her neighborhood that could not attend the meeting, but who also have these concerns which need to be addressed. She stated she has not spoken to anyone regarding the proposed request, and that the association did not speak on their behalf.

Mr. Roosevelt Wilson, 1039 Micott Drive, Hampton, President, Aberdeen Garden Historic Civic Association, stated the association worked with city staff to develop the Aberdeen Gardens Neighborhood Plan. He does not feel that the proposed request conforms to the mission that was set for the neighborhood and the residents see the request as unplanned creeping commercialization into the neighborhood. He stated the residents do not oppose the facility, but oppose the rezoning from C-2 to C-3. He stated there are other things needed in the neighborhood such as a grocery store. He asked the Planning Commission not to put the proposed request at the most prominent entrance of their residential neighborhood. They want to maintain, revitalize and enhance the value of their residential neighborhood, but rezoning the property from C-2 to C-3 does not meet the desire of the neighborhood and organization.

Mr. Tom Nicholson, applicant, stated they are the largest operating self-storage facility in Virginia. His father built the first self-storage facility in Virginia in 1973. They have facilities as far as Southern Georgia and are frequent presenters at industry seminars and conventions. In responding to the questions presented, he stated in

regards to traffic, a study was provided from one of their facilities for a week, which showed how many vehicles entering and exiting the site by a controlled computer which has a coded keypad that is punched in and out. This study confirmed what the industry statistics are which is fifteen to twenty trips per day. He stated because this facility will be larger than Norfolk, there could be approximately twenty-five trips per day, which is a low traffic generator compared to a grocery store. In regards to the multi-story concept, it is not the first facility that has been done. There are self-storage facilities in Northern Virginia, Richmond, and other large cities. The movement in the last ten years has been away from the ground level facilities, which is where opposition came from. In the past, people did not like seeing the doors on the ground floor, and barbed wire fences. In an effort to move away from that type of facility into something more palatable to the customers, the industry has moved to fully enclosed, fully air conditioned and heated units. There are two facilities under construction in Virginia Beach, and Norfolk. In regards to terrorist, he stated this issue concerns them too. For people to bring their goods into the facility, they have to bring them in on a cart, because the vehicles cannot be driven through automatic doors. The manager is trained to review what is going into the units. Additionally, they do have on all sites, the assistance of the Police Department to bring in trained dogs, if needed. He stated they have not had any type of terrorist instances in any of their thirty-two facilities, and have had rare instances over the years with anything involving drugs. He stated it has happened occasionally, maybe one or two a year out of the thirty-two facilities, but is a rare event. He stated it doesn't take a lot of people to manage the facility; and that one or two can do the job effectively. He stated in regards to Police guarding the building at night, the facility has never experienced a break-in, and it would be very hard to get into these facilities. He read letters of appreciation from the City of Norfolk, City of Suffolk, and City of Roanoke, regarding facilities being constructed in their cities.

In response to a question from Mr. Al Houston, Aberdeen Gardens regarding building in the industrial park, Mr. Nicholson stated to do the things he described, the industry has had to change. He stated in order to be viable with the money being spent on these facilities which is expensive, the facilities would have to go into a location near commercial. They cannot go into an industrial area and be competitive. It is just a function of the market place. Most facilities are being done near or on commercial corridors.

Mr. Mark Tysinger, 13 Whitehouse Drive, Poquoson, Virginia, stated he owns the proposed piece of real estate. The property has been on the market, and he is seeking to either sell the property for some use, or develop the property himself. He does understand the citizens' concerns and would like to be a good neighbor and citizen of Hampton. He is a small investor in the Norfolk facility with Mr. Nicholson, and in selecting Mr. Nicholson, he believes he selected someone with the expertise who will build a sound, quality product, and who knows what he is doing. He stated with any commercial use, there are risks. There are uses that could potentially be placed on the site that have a higher traffic volume, but the proposed request would be good for the city. In regards to a grocery store, he stated that may be unrealistic. There are bigger grocery stores being constructed, and you don't see the mom and pop grocery stores

competing anymore. Grocery stores bring high traffic volume. He stated he would be an unlikely investor for a grocery store. The proposed request is a good use for the site, it is a \$6 million investment, minimal city services involved, and the citizens would appreciate the low traffic count and hours of operation. He stated fears are always of the unknown, but if the citizens would go and view the Norfolk facility, they would see that it is a nice, quiet, well run, and attractive facility. He has looked at the different C-2 uses, and he could have sold it to someone without even coming through this process, but the proposed request is more geared to a C-2 use.

Mr. Millner stated in response to the \$6 million, he clarified that the use is an asset to the city. He apologized for using the word "clutter," because there is good and bad clutter. He stated if a convenience store were built, it would stay open until 12:00 midnight. The proposed facility from a safety standpoint closes at 6:00 p.m.

In response to a question by Commissioner Smith, Ms. Mertig presented to the Commission and audience the uses that are allowed in C-2.

Mr. O'Neill stated C-2 categories allows most retail and service uses without going through the public hearing process. He reiterated that city staff spent a fair amount of time with Urban Design Associates and consultants which included the Economic Research Associates who does the commercial marketing analysis which goes into the area plans such as Coliseum Central. He stated a lot of time was spent discussing what commercial uses could go on the proposed property. The site is not on the corner of Mercury Boulevard which is 1.6 acres unless it was combined with the associated piece of property. He stated as much as he would like to help the neighborhood get a grocery store, the current grocery stores take eight to ten acres at a minimum. It is hard to carve out that size property in the neighborhoods these days. The market consultants came back and relayed that even though it could be done, the likelihood was the proposed site would not be a prime location. The consultants believe there would be problems filling space along the corridor itself, because the further you move away from the core of the district, the more difficult it is to fill core retail space along the corridor itself. The discussion then turned to what kind of use could go on the property. He stated staff does take the voice of Aberdeen Gardens seriously, and will, but staff's thought process was it is a good investment because it is low impact, provides a transition, and looks good.

Ms. Clarise Hughes, 1 West Walker Road, stated her concern is rezoning the property from C-2 to C-3 because if it is rezoned, there could be creeping general commercial businesses in their historic residential areas.

Mr. Wilson reiterated that the residents do not want the facility at the most prominent entrance of their neighborhood.

Commissioner Gilliland stated the property has been vacant for sometime. He does not believe the use has a profoundly negative impact on the neighborhood, but neither does it have a positive impact. The proposed use is low impact in terms of

traffic, and hours of operation, but he sympathizes with the neighborhood wanting to keep the entrance as attractive as possible. He stated while this is not the most objectionable example of spot zoning, it is a flavor of spot zoning. The use will generate real estate taxes, but it will not generate anything more than that in terms of revenue to the city. He wished that the proposed request was constructed a year or two from now in or around Coliseum Central, and have staff and others work on assembling the two sites (i.e., the proposed site and the adjacent site by Tysinger). The two sites combined could have a positive impact on the neighborhood and city, and there would more revenue per acre. He suggested city staff, Mr. Tysinger, and the developer, take some period of time to see if the two properties could be assembled to come up with a better solution.

In response to a question by Commissioner Gilliland, Mr. O'Neill stated if Council denies the request, the applicant could not come back for a similar request twelve months after the denial, unless Planning Commission or City Council initiated the request.

In response to a question by Commissioner Gilliland, Mr. Tysinger stated he had two commercial real estate brokers contact him regarding the same scenario of the two sites. Both real estate brokers have approached the property owner of the site adjacent to the proposed use. Both have relayed to him that the property owner was unreasonable, and would not negotiate with them regarding price.

Commissioner Gilliland stated the city could play a role as a catalyst to make this happen. He stated it would be a shame to let the used car lot remain, and the proposed request to become a self-storage facility, because the two uses do not play to the benefit of the Mercury Boulevard corridor or Aberdeen Gardens. He stated if there is a way to get the two parties together to come up with a better solution, even if it takes a few months, he would like the opportunity to do it.

Mr. Millner stated they have been working on the proposed request for twelve months, and they are not moving slowly, but creeping. He stated they have cooperated 100% with the city, and respectfully request that it would be in the best interest of the City of Hampton to move the project forward.

Commissioner Gilliland felt the proposed request was not the best long term solution for the property, and that the city should be doing something different.

Mr. Millner felt it is a wonderful use, it creates taxes for the city, it's attractive, and it is a good use for the property. He does not believe anything else would happen on the property. He stated the applicant is here in accordance with the Comprehensive Plan, they have worked with staff, and believe they are entitled to a favorable motion.

Commissioner Gilliland stated this is a balance between representation and leadership. When it is complex issues that could impact the community, it calls for leadership from the Commission, and if it is not those things, but closer to the

neighborhood, then representation is needed. In this instance, if he makes a decision purely on the scale of representing the government regardless of his personal opinion, then he would have to side with the Aberdeen Gardens residents. If he weighs the leadership issue, in his mind, the request is not the best use of the property, and in a few months with the assistance of city staff to help change the property owner's mind, the city can do something in the long term for the better interest of the city. If he is forced to vote, he would vote no to the request. He stated if the applicant is willing to continue, he will do his part to move the applicant along as quickly as possible, and take a personal interest in trying to make that happen.

Chairman Johns stated he is a resident of the Aberdeen area. He served as the first Neighborhood Commissioner for District 10 and was active in the Aberdeen Civic Association, and was a member of Museum Foundation Committee. When he assumed his duties as Planning Commissioner, he resigned his duties with the organizations, and therefore he is not a voting member of the organizations. However, he is in total support for the activities in the community. He feels very strongly about moving the community forward and providing opportunities for the youth. This request does not cause a conflict of interest because he is not an active member at present.

Commissioner Pilgrim, stated there is a constant demand for storage whether commercial or personal. He does not see the request as spot zoning. He stated this is not a dramatic change from C-2, but a situation where by definition, this type of facility would have been envisioned when the ordinance was planned and he believes would have been a C-2 land designation. He stated staff has worked with the applicant on the renderings to provide an attractive entrance to Aberdeen Road. He does not believe the request would affect negatively the dollar value or the integrity of the neighborhood, and he is in favor of the request.

After discussion, the Commission approved the following resolution.

WHEREAS: The Hampton Planning Commission has before it this day a request by Nicholson, Inc. to rezone 1.637± acres located at 1520 Aberdeen Road from Limited Commercial (C-2) to General Commercial (C-3) to permit the operation of a fully enclosed self storage facility; and

WHEREAS: The property is located within the boundaries of the Special Public Interest-Coliseum Central (SPI-CC) Overlay District; and

WHEREAS: The proposal is consistent with the objectives of the 2010 Comprehensive Plan, the Mercury Central Plan and the Coliseum Central BID Master Plan which recommend commercial development in this area; and

WHEREAS: The applicant proffered conditions relating to buffering, excluded uses, and building elevations; and

WHEREAS: A Commissioner stated that a storage unit may not be the highest and best use for the property and would prefer to see the subject site combined with the corner lot; and

WHEREAS: There were speakers present from the Aberdeen Gardens neighborhood who opposed commercial development on the property; and

WHEREAS: The Commissioners expressed concern that the neighborhood did not realize the types of uses that were permitted on the site by-right in the C-2 district; and

WHEREAS: The Commissioners stated that they were representing the neighborhood and citizens and would therefore support the desires of the neighborhood.

NOW, THEREFORE, on a motion by Commissioner Randy Gilliland and seconded by Commissioner George Wallace,

BE IT RESOLVED that the Planning Commission respectfully recommends to the Honorable City Council that Rezoning Application No. 1187 be denied.

A roll call vote on the motion resulted as follows:

AYES:	Glass, Wallace, Gilliland, Johns
NAYS:	Smith, Pilgrim
ABST:	None
ABSENT:	Heath

B. Rezoning Application No. 1187

Mr. O'Neill read the next public hearing item notice.

Rezoning Application No. 1187 by Sentara and OPACCI to rezone 9.05± acres on the west side Coliseum Drive between Hampton Roads Center Parkway and Hardy Cash Drive. Current and requested zoning of the property is Limited Commercial (C-2). The purpose of the rezoning is to modify conditions on the property that were placed during prior rezoning cases (1012 and 1099). The proposed revisions will adjust landscaping buffers and modify standards for building and site designs. The property is located within the boundaries of the Special Public Interest-Coliseum Central (SPI-CC) district. The 2010 Comprehensive Plan recommends commercial development in this area. C-2 permits community and regional scale retail and commercial uses, multi-family and offices.

Mr. Joseph H. Latchum, Attorney with Williams Mullen, 1 Old Oyster Point Road, Newport News, Virginia, stated he is representing the applicant, Sentara Hospital and OPACCI. He introduced Mr. Michael Bottge, Senior Project Manager for the

Hammonds Group, which is an entity involved in the development of hospitals, who completed a joint venture with Sentara in Newport News at the entrance of Port Warwick. OPACCI and Sentara are both applicants, because Sentara owns 2.4 acres at Hardy Cash and Coliseum Drive, and OPACCI owns 6.6 that extends from their boundary lines to Hampton Roads Center Parkway. He stated this is a request to clarify what may be inconsistent regulations from the prior to the current ordinance that affect the use of proposed request. He stated he has spent a lot of time working with different representatives, architects, Planning staff, Public Works Engineering and people from the Coliseum Central area on the landscape issues since this is the gateway from Hampton Roads Center Parkway into the Coliseum area. They have been asked to provide a streetscape design with a pedestrian walkway from Hardy Cash Drive to the north end of the building that is proposed. He envisions that there will be four separate parcels along Coliseum Drive, and a bank at the corner of Hardy Cash Drive and Coliseum. He stated there will be two parcels, but the use has not yet been determined. He believes it will be used for medical office buildings or a commercial use. The fourth site at the corner of Coliseum Drive and Hampton Roads Center Parkway is being designed for a 73,000 square foot medical facility. All parcels will have to be designed similar to Sentara Careplex. He stated an extensive landscape design will be submitted and proffers have been attached to the rezoning.

Ms. Stephanie Mertig, City Planner, presented the staff report, a copy of which is attached hereto and made a part hereof. She stated staff suggests that the Planning Commission recommend to City Council approval of Rezoning Application No. 1174.

In response to a question by Commissioner Glass regarding a previous rezoning adjacent to the proposed request, Mr. O'Neill referred to the Department of Defense (DOD) property. He stated there is a legal deed that requires an easement across the properties to provide access to the DOD property which used to be thirty feet, but has been reduced to 20 feet to prevent access into the neighborhood.

In response to a question by Commissioner Glass, Ms. Mertig stated there will continue to be a 20 foot easement to provide access for the DOD property.

After discussion, the Commission approved the following resolution:

WHEREAS: The Hampton Planning Commission has before it this day a request by Sentara and OPACC I to amend the conditions on 9.05± acres zoned Limited Commercial District (C-2); and

WHEREAS: The property is located on the west side of Coliseum Drive between Hardy Cash Drive and Hampton Roads Center Parkway; and

WHEREAS: The 2010 Comprehensive Plan and Coliseum Central BID Master Plan recommend commercial development in this area, with an emphasis towards medical related uses; and

WHEREAS: Both properties were rezoned previously under two different rezoning cases (1012 and 1099) creating inconsistent across property lines; and

WHEREAS: The applicant seeks to retain the existing C-2 zoning on both properties, but consolidate and standardize the conditions on the properties, making a comprehensive development of the property possible; and

WHEREAS: The applicant proffered conditions relating to buffering, excluded uses, a conceptual site plan, building scale and style, and easements, which is equal to or better than the previous conditions on the properties; and

WHEREAS: The proposal is consistent with the recommendations of the 2010 Comprehensive Plan and Coliseum Central BID Master Plan; and

WHEREAS: There were no speakers present at the public hearing; and

NOW, THEREFORE, on a motion by Commissioner Randy Gilliland and seconded by Commissioner Katherine K. Glass,

BE IT RESOLVED that the Planning Commission respectfully recommends to the Honorable City Council that Rezoning Application No. 1187 be approved.

A roll call vote on the motion resulted as follows:

AYES:	Pilgrim, Glass, Wallace, Gilliland, Johns
NAYS:	None
ABST:	Smith
ABSENT:	Heath

C. **Rezoning Application No. 1190**

Mr. O'Neill read the next public hearing item notice.

Rezoning Application No. 1190 by Robert J. Egan to rezone a 1.5± acre parcel from One-Family Residence District (R-11) to Residential Transition District (R-T) to permit a Chiropractic Office. The parcel is located at 1078 Big Bethel Road, being 950'± south of the Big Bethel Road and Village Drive intersection, fronting 117.5'± on the east side of Big Bethel Road with an average depth of 555'±. The 2010 Comprehensive Plan recommends neighborhood commercial, institutional and professional and service -oriented uses for this general area; R-T zoning allows a mix of residential, low-intensity commercial and institutional uses, including professional offices.

Dr. Robert J. Eagan, Chiropractor, and applicant, stated he would like to rezone 1078 Big Bethel Road from R-11 to R-T to operate a Chiropractor Office. He has a special interest in taking care of families, and the proposed rezoning would allow him to

better serve those people. He is currently located at 1126 Big Bethel Road in Hampton Woods Plaza, which is not a big transition and should not impact the traffic. He has been at his current location for the last seven years, and is active in supporting youth and families on the Peninsula and maintaining a healthy lifestyle. His current office hours are Monday, Wednesday, and Friday from 9:00 a.m. to 1:00 p.m. and 3:00 p.m. to 6:00 p.m., and Thursdays 3:00 to 6:00 p.m. He would like to keep the house with the residential look, and install a privacy fence, wheelchair ramp, a parking lot either on the side or in the back depending on the city's regulations, and a sign. He would like to remove the damaged shed, and install a sitting area either in the front or in the back for the patients. He would like to redesign the doors for wheelchair accessibility, and install handicap rails in the bathroom. He believes the chiropractor office meets the city's policies and procedures, and was open to comments.

Mr. Edward Haughton, Senior City Planner, presented the staff report, a copy of which is attached hereto and made a part hereof. He stated Planning staff suggests that the Planning Commission recommend to City Council approval of Rezoning 1187 because the proposed use is in conformance with the 2010 Comprehensive Plan, and Todds Lane/Big Bethel Road Corridor Study and compatible with surrounding uses.

Mr. Ken Norris, 1080 Big Bethel Road, stated he has talked with the applicant regarding the rezoning, and he is not opposed to the request, as long as his property is not disturbed. He questioned the R-T zoning and how it would affect his property values.

In response to the question by Mr. Norris, Mr. O'Neill stated Residential Transition District (R-T) is a zoning district the city adopted approximately ten or twelve years ago, to allow property owners who had concerns about heavily traveled corridors such as Todds Lane and Big, the option of rezoning their property due to the traffic levels increasing, to the point that living in those homes was not going to be the best use of the property. City staff met with representatives from that area and came up with a short list of professional office uses that people could utilize within their residential structure along Big Bethel Road/Todds Lane. It is a list of non-residential uses permitted in the Residential Transition District.

Commissioner Gilliland stated it would be to the property owners' benefit in terms of property value. He stated over time, as traffic volume increases, the desirability for residential property along that corridor begins to decline and the real estate value goes flat which gives a commercial aspect to a use of the property.

After discussion, the Commission approved the following resolution:

WHEREAS: The Hampton Planning Commission has before it this day, an application by Robert Jay Egan to rezone 1.50± acres located at 1078 Big Bethel Road from One Family Residence District (R-11) to Residential Transition District (RT-1) to operate a Chiropractic office; and

WHEREAS: One Family Residence District (R-11) permits single family dwellings at a density of 3.5 to 4.5 units per acre; it does not allow commercial or office uses. Residential Transition District (RT-1) allows a mix of residential, low-intensity commercial and institutional uses meeting specific design, development and traffic criteria.; and

WHEREAS: This proposal is for the re-use of a vacant one story, 1476 ± square feet single family dwelling; minor changes will be made to the exterior of dwelling, e.g., wheelchair ramp; and

WHEREAS: The Todds Lane/Big Bethel Road Corridors Study (addendum to the 2010 Comprehensive Plan) encourages the RT-1 District in this vicinity because the permitted uses in the district are compatible with single family development; and

WHEREAS: The proposal meets the criteria for the RT-1 District and would have minimal impact on the existing residential scale along Big Bethel Road; and

WHEREAS: There was no opposition from the public at the hearing; and

WHEREAS: The proposal is compatible with the surrounding uses and zoning; and

NOW, THEREFORE, on a motion by Commissioner Randy Gilliland and seconded by Commissioner Perry Pilgrim;

BE IT RESOLVED that the Hampton Planning Commission respectfully recommends to the Honorable Hampton City Council that Rezoning Application No. 1190 be approved.

A roll call vote on the motion resulted as follows:

AYES:	Smith, Pilgrim, Glass, Wallace, Gilliland and Johns
NAYS:	None
ABST:	None
ABSENT:	Heath

D. **Conditional Privilege No. 74**

Mr. O'Neill read the next public hearing item notice.

Conditional Privilege Application No. 75 by Willie Brown (Global Consulting) for live entertainment in conjunction with a restaurant at 132 East Queen Street.

Mr. Willie Brown, applicant, introduced Mr. Terry Alvanzo to present the proposed request.

Mr. Terry Alvanzo, Chief Operation Office with Global Properties, Inc., 625 Princes Anne Road, Norfolk, Virginia, stated they are fully aware of the particular issues that the proposed property has had in the past. They have investigated and researched the property, and met with staff throughout the city, property owners, church, and civic leagues to discuss issues prior to pursuing the request. He stated discussions were held with Global Investment and a new corporation was formed called Global Square who decided to purchase the building. As a result of purchasing the building, they operate as a restaurant and entertainment facility all under one umbrella. They had the good fortune as respected businessmen in the community to talk to people of caliber, for example, Bruce Smith, former NFL football player, to see if his name could be used on the building. He stated Mr. Smith viewed the building, reviewed their business plan and concept for the venue and was in agreement. He stated Mr. Smith required that they make sure they protect the integrity and reputation of his name. The city was presented with Mr. Smith's name and that it was a good concept. They want to operate a world class establishment. The key for Global Square is to keep the restaurant family oriented and a high-end facility that anyone would be proud to go into for meals, entertainment and other amenities that will be provided. Some of the amenities will be game rooms, lower level with lounge, main level is the restaurant, and convert the third level apartment into a VIP access area (i.e., white linen clothes, high-end waiting and food service). This would be comparable to the Harbor Club or Town Point Club in Norfolk. His understanding is that there is nothing comparable to these clubs in the City of Hampton, and they would like to bring this concept to Hampton. He stated there are a number of businesses and individuals that would love to have this opportunity to entertain their guest and business clients in Hampton. He stated they want to be good corporate citizens, and after meeting with the city, community, churches, he does not believe there has been opposition to the proposed use and asked the Planning Commission to favor the request. He thanked the city departments for working with them.

Mr. Alvanzo stated it was noted with the recommendations that Planning staff suggested the outside use of the deck be limited to acoustic music. He stated his background is in entertainment, and he has brought entertainment to the Hampton Roads area for approximately seven years, and understands the different components of a successful entertainment complex. He stated with the restrictions to the acoustic music, he would like to see the language in Condition #5 regarding noise level measurements of 60 DBA to be applied to the outdoor concept of this operation. This will allow them to do other things such as jazz, Caribbean style music, and other kinds of music without imposing on the noise level measurement of 60 DBA restrictions, and as of now, they are not able to allow the amplification of this type music. He stated because of the size of the venue, they have to generate a lot of business in order for it to be successful. The potential is there, but they have to be allowed to do certain things in order to have a diversity of entertainment, particularly on the outside desk.

In response to a question by Chairman Johns, Mr. Alvanzo stated because of the size of venue, they would like to have the flexibility to perform a number of different things, particularly on the outside deck. If they have a variety of entertainment, they will

be able to keep people coming back. They can only bring in so many acoustic artists, so it's a matter of having a nicely diverse presentation to keep the restaurant interesting. He stated their key focus in this venue is for professional, mature adult crowds, which he caters to now.

In response to a comment by Commissioner Pilgrim, Mr. Alvanzo stated he knows that the echo from music has been a concern in the past. He stated he has some sound engineering background in doing concerts, and one recommendation is the positioning of the stage. They will look at repositioning the stage so that the sound does not bounce directly back into the neighborhood. He stated further down the line, they will look at an outdoor covering which can help with diminishing the sound.

After discussion, the Commission approved the following resolution:

WHEREAS: The Hampton Planning Commission has before it this day, an application by Willie Brown of Global Consulting Group, to obtain a Conditional Privilege for live entertainment in conjunction with a restaurant located at 132 East Queens Street; and

WHEREAS: A restaurant is a permitted use under the current zoning classification Special-Public Interest District-Old Hampton Business (SPI-OH/Business) and this location has offered live entertainment since 1990 under several different operators and in conjunction with several different restaurants; and

WHEREAS: This proposal is to provide live entertainment as a complement to a proposed multi- themed restaurant consisting of public and private dining, catered private receptions, game room; live entertainment to be indoors and outdoors in a courtyard on east side of the building; and

WHEREAS: The proposal provides the opportunity to reinvest in a vacant building in Downtown Hampton and a restaurant offering live entertainment could contribute to the City's goal to increase the scope of uses and activities in Downtown Hampton to create night and weekend activity; and

WHEREAS: The Commission agreed to modify a condition to allow amplified music outdoors that is not to exceed a noise level of 60 DBA; and

WHEREAS: The applicant has met with neighboring entities including the representatives of the abutting church, downtown merchants and residents of Mill Point and Town Creek development, and no one from the public spoke in opposition at the hearing; and

WHEREAS: The requested use is a compatible neighbor to the existing uses in Old Hampton and it is consistent with adopted public policy for Old Hampton that supports a vibrant downtown with retail and restaurants; and

NOW, THEREFORE, on a motion by Commissioner Randy Gilliland and seconded by Commissioner George Wallace;

BE IT RESOLVED that the Hampton Planning Commission respectfully recommends to the Honorable Hampton City Council that Conditional Privilege No. 75 be approved with conditions.

A roll call vote on the motion resulted as follows:

AYES:	Smith, Pilgrim, Glass, Wallace, Gilliland and Johns
NAYS:	None
ABST:	None
ABSENT:	Heath

ITEM V. PLANNING DIRECTOR'S REPORT

Mr. O'Neill introduced Mr. Whipple to update the Commission on the Comprehensive Plan.

Mr. Donald Whipple, Senior City Planner, updated the Commission on the elements of the Comprehensive Plan, a copy of which is attached hereto and made a part hereof. He stated Planning staff is still on track for final completion for September or October.

Mr. O'Neill stated on July 14th, staff is tentatively scheduled to provide a briefing and update to City Council, and the Urban Design Associates (UDA) will present City Council with an overview and observations of their initial findings. The Commission was invited to attend. He stated City Council will also receive a follow-up to the recent adoption and modification to the Zoning Ordinance on the Chesapeake Bay Preservation Act. He stated city staff held a conversation with City Council at their last meeting for the direction of where to proceed with the strategic area plan process with UDA for the next twelve months, and Council agreed that the next two areas will be Buckroe and Kecoughtan Road Corridor area.

ITEM VI. ITEMS BY THE PUBLIC

There were no items by the public.

ITEM VII. MATTERS BY THE COMMISSION

Chairman Johns referenced a letter from Sally Andrews, City Attorney, regarding the disclosure of profession.

Commissioner Gilliland stated Commissioner Katherine Glass and Mr. Fred Mallory have been nominated for the appointment to the Zoning Ordinance Advisory Committee. A motion was made by Commissioner Randy Gilliland, and seconded by Commissioner George E. Wallace, to appoint Commission Glass and Mr. Fred Mallory

to the Zoning Ordinance Advisory Committee. A roll call vote on the motion resulted as follows:

AYES:	Smith, Pilgrim, Glass, Wallace, Gilliland, Johns
NAYS:	None
ABST:	None
ABSENT:	Heath

ITEM VIII. ADJOURMENT

There being no additional items to come before the Commission, the meeting adjourned at 6:00 p.m.

Respectfully submitted,

Terry P. O'Neill
Secretary to Commission

APPROVED BY:

Harold O. Johns
Chairman